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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 2251(a))

RUSLAN MIRVIS,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

AARON SPIVACK, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between March 2017 and April 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RUSLAN MIRVIS did knowingly and intentionally employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, which visual depictions were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce.

(Title 18, United States Code, Section 2251(a))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been involved in the investigation of numerous cases involving the exploitation of children including the production of child pornography. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about April 14, 2017, law enforcement received notification from the National Center of Missing and Exploited Children ("NCMEC") Cyber Tipline, that Facebook, Inc. ("Facebook") captured, obtained and reported over twenty sexually explicit pictures and videos involving children sent or received via Facebook accounts.² In connection with its NCMEC tip, Facebook provided records for multiple accounts, including messages, account information, among other things (the "Facebook Records").

3. Law enforcement agents reviewed the Facebook Records, which revealed that sexually explicit images of minors were sent between February 21, 2017

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² Based on my training and experience, I am aware that Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public. Facebook accounts are accessed via the internet.

through April 9, 2017 from a Facebook account using a screen name referred to herein as “BB” (the “BB Facebook”).³

4. Based on a review of messages contained in the Facebook Records, I have learned that, as detailed further below, the user of the B.B. Facebook (the “BB Facebook User”) communicated with multiple minor victims via the BB Facebook. Through those communications, the BB Facebook User instructed victims to produce sexually explicit images and videos of themselves and others, including through “video calls” to the BB Facebook user.

5. In particular, the Facebook Records contained the BB Facebook User’s communications with another Facebook user (“Victim-1”) in or about March 2017.⁴ Many of these messages were sexually explicit in nature, and included Victim-1 sending sexually explicit images to the BB Facebook User.

6. For example, on or about March the following exchange occurred:

BB Facebook User: put on tiny shorts on lay down video call slowly rub your thighs belly show me i can trust u after u done i will make u my girl and video call u after u done and take a pic of my self holding ur name

Victim-1: i can't rn

BB Facebook User: or open ur legs with shorts on and take a pic make ur shorts tight

³ As discussed below, the investigation later revealed that the full name of the individual referred to herein as “BB” was the name of actual person, who is under the age of eighteen. To protect the identity of this minor, reference is made only to the individual’s initials, B.B., throughout this affidavit. BB’s full name is known to your deponent.

⁴ Based on my review of the Facebook Records, including the birthdate associated with Victim-1’s Facebook account, Victim-1 appears to be a minor female, approximately 12 to 15 years old.

Victim-1: ok

[Victim-1 Transmits Image to BB Facebook User]

Victim-1: like that?

BB Facebook User: cant see the shape

Victim-1: of?

BB Facebook User: pussy

Victim-1: um ok i'll try

* * *

BB Facebook User: take your shorts of

[Victim-1 Transmits Image to BB Facebook User]

BB Facebook User: dont hide your pussy take it of

Victim-1: i don't think i should be doing this

BB Facebook User: im trying to make u my girl take it of

* * *

[Victim-1 Transmits Sexually Explicit Image to BB Facebook User]

7. Based on my review of these communications and the images sent and received by the BB Facebook User, I believe that in these messages, the BB Facebook User was instructing Victim-1 to produce sexually explicit images of herself and send them to the BB Facebook User.

8. Shortly after the exchange detailed above, Victim-1 messaged BB Facebook User and expressed reluctance to send BB Facebook User additional images. In response, BB Facebook User threatened Victim-1, stating that BB Facebook User had found a Facebook account for Victim-1's family and would "be sending them all pictures."

9. The same day, BB Facebook User later instructed Victim-1 to send BB Facebook User sexually explicit images of Victim-1's sibling, who, based on my review of images subsequently sent to BB Facebook user by Victim-1, believe to be a prepubescent female, approximately two to four years old.

10. A review of the Facebook Records reveal that Victim-1 sent BB Facebook User multiple sexually explicit images of Victim-2. For example, on March 29, 2017, at BB Facebook User's direction, Victim-1 sent BB Facebook User a video depicting Victim-1 engaging in oral sex with Victim-2.

11. The Facebook Records submitted with the NCMEC tip also included an analysis of "machine cookie"⁵ information associated with the BB Facebook Account. A review of that "cookie" data analysis revealed that the user accessing the BB Facebook Account also accessed a Facebook account with the username "Ruslan Mirivs"—the name of the defendant.

12. The Facebook Records also listed an IP Address used to access the BB Facebook Account. Based on law enforcement's review of records obtained from the internet service provider for the IP Address, I am aware that the IP Address was assigned to an account located in Brooklyn, New York (the "Premises").

13. On or about April 19, 2017, the Honorable Suzanne M. Mondo, of the Supreme Court for the State of New York, Kings County, issued a search warrant authorizing

⁵ Based on my training and experience investigating the use of computers in child exploitation crimes, I am aware that a "machine cookie" is a piece of data that can be used to uniquely identify a computer that has accessed a particular website, such as online Facebook webpage.

the search of the Premises and the search and seizure of computers and other items found therein.

14. On April 21, 2017, law enforcement executed the search warrant at the Premises. At that time, the defendant RUSLAN MIRVIS, his mother and his brother were inside the Premises. Law enforcement officers informed the defendant and his family that they were there to execute the search warrant.

15. Your deponent was also present at this time and asked to speak with the defendant RUSLAN MIRVIS. MIRVIS was advised that he was free to leave and that he was not under arrest. Thereafter, MIRVIS confirmed that he understood he was not under arrest and agreed to speak with law enforcement.

16. Thereafter, the defendant RUSLAN MIRVIS identified the BB Facebook Account as an account that MIRVIS created. MIRVIS further explained that the B.B. username was the name of a real person. MIRVIS was shown communications sent to minor victims from the BB Facebook Account, and MIRVIS confirmed that he sent those messages. MIRVIS further stated that on multiple occasions he communicated with minors via the BB Facebook Account and directed them to take pictures and videos of themselves and other minor victims engaged in sexually explicit conduct. MIRVIS stated that, at times, he would use threats to him and use threats in connection with his production of child pornography.

WHEREFORE, your deponent respectfully requests that the defendant RUSLAN MIRVIS, be dealt with according to law.


AARON SPIVACK
Special Agent, Federal Bureau of Investigation

Sworn to before me this
____ day of April, 2017



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UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK